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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA,) No. CR-09-901 SBA
17 Plaintiff,) STIPULATION AND ORDER TO
18 v.) CONTINUE STATUS CONFERENCE
19 DWEN CURRY,) AND EXCLUDE TIME UNDER THE
20 Defendant.) SPEEDY TRIAL ACT

21 IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its
22 attorney, Joshua Hill, and the defendant through his attorney, Nina Wilder, that the status hearing
23 presently set for April 20, 2010, be continued to May 18, 2010 at 9:00 a.m. The request for a
24 continuance is due to the parties' continued discussion of the scope of additional discovery that
25 must be available for review in this case. At the request of defense counsel, the government is
26 conducting additional investigation concerning the loss amount in this case, which could impact
27 the Guidelines calculation. Defense counsel continues to engage in investigation. The parties
28 agree that the delay is not attributable to lack of diligent preparation on the part of the attorney
for the government or defense counsel. For these reasons, the parties request that time under the
Speedy Trial Act be excluded based on the government's need for reasonable time necessary for

1 effective preparation, taking into account the exercise of due diligence. The parties agree that
2 the waiver covers all time between the date of this stipulation and May 18, 2010.

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4 IT IS SO STIPULATED:

5 Dated: April 16, 2010

/S/
NINA WILDER
Attorney for Defendant

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7 Dated: April 16, 2010

/S/
JOSHUA HILL
Assistant United States Attorney

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11 **ORDER**

12 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this
13 matter now scheduled for April 20, 2010 is hereby rescheduled for May 18, 2010 at 9:00 a.m.
14 Based upon the representation of counsel and for good cause shown, the Court also finds that
15 failing to exclude the time between April 20, 2010 and May 18, 2010 would unreasonably deny
16 the government and the defense the reasonable time necessary for effective preparation, taking
17 into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further
18 finds that the ends of justice served by excluding the time between April 16, 2010 and May 18,
19 2010 from computation under the Speedy Trial Act outweigh the best interests of the public and
20 the defendant in a speedy trial. Therefore, it is hereby ordered that the time between April 20,
21 2010 and May 18, 2010 shall be excluded from computation under the Speedy Trial Act. 18
22 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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24 DATED: April 19, 2010

HONORABLE SAUNDRA B. ARMSTRONG
Saundra B. Armstrong
United States District Court Judge

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